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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/016,159	01/30/1998	JONG Y. LEE	07004-002004	6621

7590 02/17/2005

HUGH MCTAVISH  
MCTAVISH PATENT FIRM  
429 BIRCHWOOD COURTS  
BIRCHWOOD, MN 55110

EXAMINER
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HAMUD, FOZIA M

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/016,159 01/30/1998 Lee,

EXAMINER

F. Hamud

ART UNIT

PAPER

1647 020805

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The communication filed 01 December 2004 is not fully responsive to the Office communication mailed 14 May 2004 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. The disk appears to have been severely damaged, is unreadable and needs to be replaced.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Applicant filed SEQ ID NOs : 4, 5, 6 and 7, on 01 December 2004. The specification indicates that SEQ ID NOs: 4 and 5 are sequences disclosed by Winkelmann et al, while SEQ ID NOs: 5 and 7 are sequences disclosed by Jones et al (see the amendment to the specification filed on 12/01/04, page 2). The CRF filed by Applicant on 01 December 2004 has problems, (see attached problem report). However, it appears from the paper copy of the sequences, that SEQ ID NOs: 4 and 6 are both human cDNA encoding EPO receptor, while SEQ ID NOs: 5 and 7 are the human EPO receptor. If this is the case and there are no differences between SEQ ID NOs: 4 and 6 or SEQ ID NOs 5 and 7, then, it is unclear why it is necessary to file the same amino acid sequence or nucleotide sequence twice, with different SEQ ID NOs. Applicant must clarify this issue.

**Advisory Information:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fozia M Hamud whose telephone number is (571) 272-0884. The examiner can normally be reached on Monday, Thursday-Friday, 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for


unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fozia Hamud

Patent Examiner

Art Unit 1647

15 February 2005



**BRENDA BRUMBACK**

**SUPERVISORY PATENT EXAMINER**

**TECHNOLOGY CENTER 1600**